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TO

Amend the provision for the Government of Ireland.

A.D. 1912.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Legislative Authority.

1. —(1) On and after the appointed day there shall be in Ireland an Irish Parliament consisting of His Majesty the King and two Houses, namely, the Irish Senate and the Irish House of Commons.

Establishment of Irish Parliament.

(2) Notwithstanding the establishment of the Irish Parliament or anything contained in this Act, the supreme power and authority of the Parliament of the United Kingdom shall remain unaffected and undiminished over all persons, matters, and things within His Majesty's dominions.

2. Subject to the provisions of this Act, the Irish Parliament shall have power to make laws for the peace, order, and good government of Ireland with the following limitations, namely, that they shall not have power to make laws except in respect of matters exclusively relating to Ireland or some part thereof, and (without prejudice to that general limitation) that they shall not have power to make laws in respect of the following matters in particular, or any of them, namely—

Legislative powers of Irish Parliament.

(1) The Crown, or the succession to the Crown, or a Regency; or the Lord Lieutenant except as respects the exercise of his executive power in relation to Irish services as defined for the purposes of this Act; or

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- (2) The making of peace or war or matters arising from a state of war; or the regulation of the conduct of any portion of His Majesty's subjects during the existence of hostilities between Foreign States with which His Majesty is at peace, in relation to those hostilities; or 5
- (3) The navy, the army, the territorial force, or any other naval or military force, or the defence of the realm, or any other naval or military matter; or
- (4) Treaties, or any relations, with Foreign States, or relations with other parts of His Majesty's dominions, 10 or offences connected with any such treaties or relations, or procedure connected with the extradition of criminals under any treaty, or the return of fugitive offenders from or to any part of His Majesty's dominions; or 15
- (5) Dignities or titles of honour; or
- (6) Treason, treason felony, alienage, naturalisation, or aliens as such; or
- (7) Trade with any place out of Ireland (except so far as trade may be affected by the exercise of the powers 20 of taxation given to the Irish Parliament, or by the regulation of importation for the sole purpose of preventing contagious disease); quarantine; or navigation, including merchant shipping (except as respects inland waters and local health or harbour regula- 25 tions); or
- (8) Lighthouses, buoys, or beacons (except so far as they can consistently with any general Act of the Parliament of the United Kingdom be constructed or maintained by a local harbour authority); or 30
- (9) Coinage; legal tender; or any change in the standard of weights and measures; or
- (10) Trade marks, designs, merchandise marks, copyright, or patent rights; or
- (11) Any of the following matters (in this Act referred to 35 as reserved matters), namely—

- (a) The general subject-matter of the Acts relating to Land Purchase in Ireland, the Old Age Pensions Acts, 1908 and 1911, the National Insurance Act, 1911, and the Labour Exchanges Act, 1909; 40

8 Edw. 7.

c. 40.

1 & 2 Geo. 5.

c. 16.

1 & 2 Geo. 5.

c. 55.

9 Edw. 7.

c. 7.

(b) The collection of taxes;

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(c) The Royal Irish Constabulary and the management and control of that force;

5 (d) Post Office Savings Banks, Trustee Savings Banks, and Friendly Societies; and

(e) Public loans made in Ireland *before the passing of this Act*;

10 Provided that the limitation on the powers of the Irish Parliament under this section shall cease as respects any such reserved matter if the corresponding reserved service is transferred to the Irish Government under the provisions of this Act.

Any law made in contravention of the limitations imposed by this section shall, so far as it contravenes those limitations,
15 be void.

3. In the exercise of their power to make laws under this Act the Irish Parliament shall not make a law so as either directly or indirectly to establish or endow any religion, or prohibit the free exercise thereof, or give a preference,
20 privilege, or advantage, or impose any disability or disadvantage, on account of religious belief or religious or ecclesiastical status, or make any religious belief or religious ceremony a condition of the validity of any marriage.

Prohibition of laws interfering with religious equality, &c.

Any law made in contravention of the restrictions imposed
25 by this section shall, so far as it contravenes those restrictions, be void.

Executive Authority.

4.—(1) The executive power in Ireland shall continue vested in His Majesty the King, and nothing in this Act shall affect the
30 exercise of that power except as respects Irish services as defined for the purposes of this Act.

Executive power in Ireland.

(2) As respects those Irish services the Lord Lieutenant or other chief executive officer or officers for the time being appointed in his place, on behalf of His Majesty, shall exercise any prerogative or other executive power of His Majesty the exercise of
35 which may be delegated to him by His Majesty.

(3) The power so delegated shall be exercised through such Irish Departments as may be established by Irish Act

A.D. 1912. — or, subject thereto, by the Lord Lieutenant, and the Lord Lieutenant may appoint officers to administer those Departments, and those officers shall hold office during the pleasure of the Lord Lieutenant.

(4) The persons who are for the time being heads of such 5 Irish Departments as may be determined by Irish Act or, in the absence of any such determination, by the Lord Lieutenant, and such other persons (if any) as the Lord Lieutenant may appoint, shall be the Irish Ministers.

Provided that—

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(a) No such person shall be an Irish Minister unless he is a member of the Privy Council of Ireland; and

(b) No such person shall hold office as an Irish Minister 'for a longer period' than six months, unless he is or becomes a member of one of the Houses of the 15 Irish Parliament; and

(c) Any such person not being the head of an Irish Department shall hold office as an Irish Minister during the pleasure of the Lord Lieutenant in the same manner as the head of an Irish Department 20 holds his office.

(5) The persons who are Irish Ministers for the time being shall be an Executive Committee of the Privy Council of Ireland (in this Act referred to as the "Executive Committee"), to aid and advise the Lord Lieutenant in the exercise of his executive 25 power in relation to Irish services.

(6) For the purposes of this Act, "Irish services" are all public services in connexion with the administration of the civil government of Ireland except the administration of matters with respect to which the Irish Parliament have no power to make laws, including in the exception all public services in connexion with the administration of the reserved matters (in this Act referred to as "reserved services"). 30

Future transfer of certain reserved services.

5.—(1) The public services in connexion with the administration of the Acts relating to the Royal Irish Constabulary 35 and the management and control of that force, shall by virtue of this Act be transferred from the Government of the United Kingdom to the Irish Government on the expiration of a period

of six years from the appointed day and those public services shall then cease to be reserved services and become Irish services. A.D. 1912.

(2) If a resolution is passed by both Houses of the Irish Parliament providing for the transfer from the Government of the United Kingdom to the Irish Government of the following reserved services, namely—

(a) All public services in connexion with the administration of the Old Age Pensions Acts, 1908 and 1911; or

(b) All public services in connexion with the administration of Part I. of the National Insurance Act, 1911; or

(c) All public services in connexion with the administration of Part II. of the National Insurance Act, 1911, and the Labour Exchanges Act, 1909; or

(d) All public services in connexion with the administration of Post Office Savings Banks, Trustee Savings Banks, and Friendly Societies;

the public services to which the resolution relates shall be transferred accordingly as from a date fixed by the resolution, being a date not less than a year after the date on which the resolution is passed, and shall on the transfer taking effect cease to be reserved services and become Irish services:

Provided that this provision shall not take effect as respects the transfer of the services in connexion with Post Office Savings Banks, Trustee Savings Banks, and Friendly Societies until the expiration of ten years from the appointed day.

(3) On any transfer under or by virtue of this section, the transitory provisions of this Act (so far as applicable) and the provisions of this Act as to existing Irish officers shall apply with respect to the transfer, with the substitution of the date of the transfer for the appointed day, and of a period of five years from that date for the transitional period.

Irish Parliament.

6.—(1) There shall be a session of the Irish Parliament once at least in every year, so that twelve months shall not intervene between the last sitting of the Parliament in one session and their first sitting in the next session. Summoning,
&c. of Irish
Parliament.

(2) The Lord Lieutenant shall, in His Majesty's name, summon, prorogue, and dissolve the Irish Parliament.

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Royal assent
to Bills of
Irish Parlia-
ment.

7. The Lord Lieutenant shall give or withhold the assent of His Majesty to Bills passed by the two Houses of the Irish Parliament, subject to the following limitations; namely—

- (1) He shall comply with any instructions given by His Majesty in respect of any such Bill; and 5
- (2) He shall, if so directed by His Majesty, postpone giving the assent of His Majesty to any such Bill presented to him for assent for such period as His Majesty may direct.

Composition
of Irish
Senate.

8.—(1) The Irish Senate shall consist of forty senators 10 nominated as respects the first senators by the Lord Lieutenant subject to any instructions given by His Majesty in respect of the nomination, and afterwards by the Lord Lieutenant on the advice of the Executive Committee.

(2) The term of office of every senator shall be eight 15 years, and shall not be affected by a dissolution; one fourth of the senators shall retire in every second year, and their seats shall be filled by a new nomination.

(3) If the place of a senator becomes vacant before the expiration of his term of office, the Lord Lieutenant shall, unless 20 the place becomes vacant not more than six months before the expiration of that term of office, nominate a senator in the stead of the senator whose place is vacant, but any senator so nominated to fill a vacancy shall hold office only so long as the senator in whose stead he is nominated would have held 25 office.

Composition
of Irish
House of
Commons.

9.—(1) The Irish House of Commons shall consist of one hundred and sixty-four members, returned by the constituencies in Ireland named in the First Part of the First Schedule to this Act in accordance with that Schedule, and elected by the same 30 electors and in the same manner as members returned by constituencies in Ireland to serve in the Parliament of the United Kingdom.

(2) The Irish House of Commons when summoned shall, unless sooner dissolved, have continuance for five years from 35 the day on which the summons directs the House to meet and no longer.

(3) After *three years from the passing of this Act*, the Irish Parliament may alter, as respects the Irish House of

Commons, the qualification of the electors, the mode of election, the constituencies, and the distribution of the members of the House among the constituencies, provided that in any new distribution the number of the members of the House shall not be altered, and due regard shall be had to the population of the constituencies other than University constituencies.

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10.—(1) Bills appropriating revenue or money, or imposing taxation shall originate only in the Irish House of Commons, but a Bill shall not be taken to appropriate revenue or money, or to impose taxation by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the payment or appropriation of fees for licences or fees for services under the Bill.

Money Bills.

(2) The Irish House of Commons shall not adopt or pass any resolution, address, or Bill for the appropriation for any purpose of any part of the public revenue of Ireland or of any tax, except in pursuance of a recommendation from the Lord Lieutenant in the session in which the vote, resolution, address, or Bill is proposed.

(3) The Irish Senate may not reject any Bill which deals only with the imposition of taxation or appropriation of revenue or money for the services of the Irish Government, and may not amend any Bill so far as the Bill imposes taxation or appropriates revenue or money for the services of the Irish Government, and the Irish Senate may not amend any Bill so as to increase any proposed charges or burden on the people.

(4) Any Bill which appropriates revenue or money for the ordinary annual services of the Irish Government shall deal only with that appropriation.

11.—(1) If the Irish House of Commons pass any Bill and the Irish Senate reject or fail to pass it, or pass it with amendments to which the Irish House of Commons will not agree, and if the Irish House of Commons in the next session again pass the Bill with or without any amendments which have been made or agreed to by the Irish Senate, and the Irish Senate reject or fail to pass it, or pass it with amendments to which the Irish House of Commons will not agree, the Lord Lieutenant may during that session convene a joint sitting of the members of the two Houses.

Disagreement between two Houses of Irish Parliament.

(2) The members present at any such joint sitting may deliberate and shall vote together upon the Bill as last proposed by the Irish House of Commons, and upon the amendments (if

A.D. 1912. any) which have been made therein by the one House and not agreed to by the other; and any such amendments which are affirmed by a majority of the total number of members of the two Houses present at the sitting shall be taken to have been carried.

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(3) If the Bill with the amendments (if any) so taken to have been carried is affirmed by a majority of the total number of members of the two Houses present at any such sitting, it shall be taken to have been duly passed by both Houses.

Privileges,
qualifica-
tions, &c. of
members of
Irish Parlia-
ment.

12.—(1) The powers, privileges, and immunities of the Irish Senate and of the Irish House of Commons, and of the members and of the committees of the Irish Senate and the Irish House of Commons, shall be such as may be defined by Irish Act, but so that they shall never exceed those for the time being held and enjoyed by the Commons House of Parliament of the United Kingdom and its members and committees, and, until so defined, shall be those held and enjoyed by the Commons House of Parliament of the United Kingdom, and its members and committees at the date of the passing of this Act.

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(2) The law, as for the time being in force, relating to the qualification and disqualification of members of the Commons House of Parliament of the United Kingdom, and the taking of any oath required to be taken by a member of that House, shall apply to members of the Irish House of Commons.

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(3) Any peer, whether of the United Kingdom, Great Britain, England, Scotland, or Ireland, shall be qualified to be a member of either House.

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(4) A member of either House shall be incapable of being nominated or elected, or of sitting, as a member of the other House, but an Irish Minister who is a member of either House shall have the right to sit and speak in both Houses, but shall vote only in the House of which he is a member.

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(5) A member of either House may resign his seat by giving notice of resignation to the person and in the manner directed by standing orders of the House, or if there is no such direction, by notice in writing of resignation sent to the Lord Lieutenant, and his seat shall become vacant on notice of resignation being given.

(6) The powers of either House shall not be affected by any vacancy therein, or by any defect in the nomination, election, or qualification, of any member thereof.

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(7) His Majesty may by Order in Council declare that the holders of the offices in the Irish Executive named in the Order shall not be disqualified for being members of either House of the Irish Parliament by reason of holding office under the Crown, and except as otherwise provided by Irish Act, the Order shall have effect as if it were enacted in this Act, but on acceptance of any such office the seat of any such person in the Irish House of Commons shall be vacated unless he has accepted the office in succession to some other of the said offices.

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Irish Representation in the House of Commons.

13. Unless and until the Parliament of the United Kingdom otherwise determine, the following provisions shall have effect:—

Representation of Ireland in the House of Commons of the United Kingdom.

(1) After the appointed day the number of members returned by constituencies in Ireland to serve in the Parliament of the United Kingdom shall be forty-two and the constituencies returning those members shall (in lieu of the existing constituencies) be the constituencies named in the second Part of the First Schedule to this Act, and no University in Ireland shall return a member to the Parliament of the United Kingdom.

(2) The election laws and the laws relating to the qualification of parliamentary electors shall not, so far as they relate to elections of members returned by constituencies in Ireland to serve in the Parliament of the United Kingdom, be altered by the Irish Parliament, but this enactment shall not prevent the Irish Parliament from dealing with any officers concerned with the issue of writs of election, and if any officers are so dealt with, it shall be lawful for His Majesty by Order in Council to arrange for the issue of any such writs, and the writs issued in pursuance of the Order shall be of the same effect as if issued in manner heretofore accustomed.

Finance.

14.—(1) There shall be an Irish Exchequer and an Irish Consolidated Fund separate from those of the United Kingdom.

Irish revenue and expenditure.

(2) The proceeds of all taxes levied in Ireland, whether under the authority of the Parliament of the United Kingdom or of the Irish Parliament, shall be paid into the Exchequer of the United Kingdom, but subject as herein-after provided, there shall be charged on and paid out of the Consolidated Fund of

A.D. 1912. — *the United Kingdom or the growing produce thereof in each year to the Irish Exchequer a sum (in this Act referred to as "the Transferred Sum") consisting of—*

- (a) *such sum as may be determined by the Joint Exchequer Board established under this Act (herein-after referred to as the Joint Exchequer Board) to represent the net cost to the Exchequer of the United Kingdom at the time of the passing of this Act of Irish services; and* 5
- (b) *a sum of five hundred thousand pounds, diminishing in each year after the third year of payment by the sum of fifty thousand pounds until it is reduced to the sum of two hundred thousand pounds; and* 10
- (c) *a sum equal to the proceeds as determined by the Joint Exchequer Board of any Irish taxes imposed in Ireland by the Irish Parliament under the powers given to them by this Act.* 15

(3) Provision shall be made by the Irish Parliament for the cost of Irish services within the meaning of this Act, and any charge on the Consolidated Fund of the United Kingdom for those services, including any charge for the benefit of the Local Taxation (Ireland) Account, or any grant or contribution out of moneys provided by the Parliament of the United Kingdom so far as made for those services shall cease, and money for loans in Ireland shall cease to be advanced either by the Public Works Loans Commissioners or out of the Local Loans Fund. 25

Powers of
Irish Parli-
ment with
respect to
taxation.

15.—(1) The Irish Parliament shall have power to vary (either by way of addition, reduction, or discontinuance) any Imperial tax so far as respects the levy of that tax in Ireland, and to impose in Ireland any independent tax not being in the opinion of the Joint Exchequer Board substantially the same in character as an Imperial tax, subject to the following limitations:— 30

- (a) The Irish Parliament shall not have power to impose or charge a Customs duty, whether an import or an export duty, on any article unless that article is for the time being liable to a Customs duty levied as an Imperial tax; and 35
- (b) The benefit to accrue to the Irish Exchequer from any addition to any Customs duty levied as an Imperial tax (other than a Customs duty on beer 40

or spirits), or to any duty of income tax so levied, or to any death duty so levied, shall be limited as in this Act provided; and

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(c) The power of the Irish Parliament to vary an Imperial tax shall not be exercised with respect to the stamp duties mentioned in the Second Schedule to this Act; and

(d) The Irish Parliament shall not, in the exercise of their powers of taxation under this provision, make any variation of Customs or Excise duties the effect of which will be to cause the Customs duty on an article of a class produced, prepared, or manufactured in Ireland, to exceed the Excise duty by more than an amount reasonably sufficient to cover any expenses due to Excise restrictions;

and the power of the Irish Parliament to make laws includes a power to make laws for the purpose of giving effect to their powers of taxation under this provision.

(2) For the purposes of this Act—

(a) The expression "Imperial tax" means any tax charged for the time being in Ireland under the authority of the Parliament of the United Kingdom, and includes a tax which has been discontinued under the powers given by this section to the Irish Parliament, but which would have been so charged but for the discontinuance;

(b) The expression "Irish tax" means any tax charged under the authority of the Irish Parliament either by way of an addition to an Imperial tax or as an independent tax.

16.—(1) Any articles which are brought into Great Britain from Ireland or into Ireland from Great Britain shall be deemed to be articles exported or imported for the purposes of information to be furnished under the Customs Consolidation Act, 1876, and section four of the Revenue Act, 1909, and for the purpose of any duty or drawback payable in the circumstances for which provision is made under this section, but not for any other purpose.

Relations
between
Great
Britain and
Ireland as
respects
Customs
and Excise
duties.
39 & 40 Vict.
c. 26 ;
9 Edw. 7.
c. 43.

(2) Where a Customs duty is levied in one country and not in the other, or is levied in both countries but at a higher rate in the one country than in the other, duty shall be charged and

A.D. 1912. drawback allowed in respect of articles being articles produced, prepared, or manufactured abroad as follows:—

- (a) *The Customs duty shall be charged on any such articles brought into the one country from the other country as if they were articles imported from abroad, except that in the case of articles produced abroad but manufactured or prepared in the country from which they are sent, the Customs duty charged shall, if the drawback which would be allowed on the exportation of similar articles from the country into which the articles are brought is less than the duty payable on importation, be a duty equal to the drawback; and*
- (b) A drawback shall be allowed on any such articles sent from the one country into the other equal to the drawback which would be allowed upon the exportation of the articles from the country from which they are sent.

(3) Where an Excise duty is levied in one country and not in the other, or is levied in both countries but at a higher rate in the one country than in the other, duty shall be charged and drawback allowed in respect of articles being articles produced, prepared, or manufactured in either country as follows:—

- (a) *A Customs duty shall be charged on any such articles brought into the one country from the other country as if they were articles imported from abroad, equal to the amount of the Excise duty levied in the country into which they are brought; and*
- (b) A drawback shall be allowed on any such articles sent from the one country into the other equal to the amount of the Excise duty levied in the country from which they are sent.

(4) The proceeds of any Customs duty charged under this section in Ireland on any article shall to the extent to which they exceed the proceeds of the Customs or Excise duty which would have been charged on the article in Great Britain be deemed to be the proceeds of a Customs duty levied as an Irish tax, if the duty is charged in respect of a difference of Customs duties, and be deemed to be the proceeds of an Excise duty levied as an Irish tax if the duty is charged in respect of a difference of Excise duties, and as to the balance be deemed to be the proceeds of an Imperial tax.

(5) Nothing in this section shall affect any enactment under which articles deposited in a bonded warehouse without payment of duty may be transferred from one country to the other country.

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5 17.—(1) The Transferred Sum shall be paid to the Irish Exchequer at such times and in such manner and according to such regulations as the Joint Exchequer Board may direct.

Supple-
mental pro-
visions as to
Transferred
Sum and
Irish
revenue.

10 (2) In the event of the reduction or discontinuance of any Imperial tax by the Irish Parliament, the Transferred Sum shall be reduced in each financial year by such sum as may be determined by the Joint Exchequer Board to represent the amount by which the proceeds of the tax are diminished in that year in consequence of the reduction or discontinuance.

15 (3) If in any financial year the proceeds of any Irish tax imposed as an addition to any Customs duty levied as an Imperial tax (other than a Customs duty on beer or spirits), or to any duty of Income Tax so levied, or to any death duty so levied, exceed *one-tenth* of the proceeds in Ireland of that duty as levied as an Imperial tax for the same period, the
20 amount of the excess shall not be treated for the purposes of this Act as part of the proceeds of the Irish tax, and the amount payable to the Irish Exchequer in respect of the proceeds of the Irish tax shall be reduced accordingly:

Provided that—

25 (a) For the purposes of this provision, the proceeds of any tax shall be deemed to be the proceeds as determined by the Joint Exchequer Board: and

30 (b) The foregoing provision shall not apply in cases where the excess is solely due to the reduction of the rate of the Imperial tax.

(4) *When any reserved service is transferred from the Government of the United Kingdom to the Government of Ireland, the Transferred Sum shall be increased by such sum as may be determined by the Joint Exchequer Board to represent
35 the equivalent of any saving to the Exchequer of the United Kingdom by reason of the transfer, and in determining that equivalent regard shall be had to the prospect of any increase or decrease in the cost of that service which may be expected to arise from causes not being matters of administration.*

40 The sum by which the Transferred Sum is to be increased in pursuance of this provision may be fixed by the Joint Exchequer Board so as to vary during the first ten years after the transfer, but subject thereto shall be a definite sum.

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Charge on
Transferred
Sum of sums
charged on
the Guarantee
Fund.

54 & 55 Vict.
c. 48.

3 Edw. 7.
c. 37.

18. The charge on the Guarantee Fund under the Irish Land Purchase Acts in respect of—

- (1) sums which owing to the deficiency of the Irish Land Purchase Account, are paid out of the Consolidated Fund on account of the dividends and sinking fund 5 payments of Irish guaranteed land stock under section one of the Purchase of Land (Ireland) Act, 1891; and
- (2) sums which, owing to the deficiency of the income of the Irish Land Purchase Fund, are paid out of the Consolidated Fund on account of the dividends on 10 stock under section twenty-nine of the Irish Land Act, 1903;
- (3) arrears of annual payments under subsection (4) of section thirty-six of the Irish Land Act, 1903;

shall cease, and any such sums or arrears which would under 15 the Irish Land Purchase Acts have been made good out of the Guarantee Fund, shall be made good by means of deductions from the Transferred Sum under this Act in accordance with regulations made by the Treasury.

Develop-
ment fund
and road im-
provement
grant.
9 Edw. 7.
c. 47.

19.—(1) Nothing in this Act shall affect the powers of 20 the Development Commissioners or the Road Board with respect to Ireland under the Development and Road Improvement Funds Act, 1909, and for the purposes of that Act any Irish department shall be deemed to be a Government department within the meaning of that Act. 25

10 Edw. 7.
c. 8.

(2) So long as a sum equal to the net proceeds of the duties on motor spirits and the net proceeds of the duties on licences for motor cars levied in Ireland is paid as part of the road improvement grant under section ninety of the Finance (1909-10) Act, 1910, the proceeds of those duties shall not 30 be treated for the purposes of the financial provisions of this Act as the proceeds of an Imperial tax levied in Ireland.

Irish Church
Fund.

20.—(1) The Irish Church Temporalities Fund shall belong to the Irish Government and be managed, administered, and disposed of as directed by Irish Act: 35

Provided that all existing charges on that fund guaranteed by the Treasury shall, if and so far as not paid, be paid out of the Exchequer of the United Kingdom, and be made good by means of deductions from the Transferred Sum under this Act in accordance with regulations made by the Treasury. 40

(2) The Irish Church Temporalities Fund means the fund under the control of the Land Commission by virtue of the Irish Church Act Amendment Act, 1881.

A.D. 1912
44 & 45 Vict.
c. 71.

21.—(1) All sums paid into the Irish Exchequer shall form
5 a Consolidated Fund, and be appropriated to the public service of Ireland by Irish Act, and shall not be applied for any purpose for which they are not so appropriated.

Supple-
mental pro-
visions as to
Irish Ex-
chequer
and Con-
solidated
Fund.

(2) Save as may be otherwise provided by Irish Act, the
10 existing law relating to the Exchequer and Consolidated Fund of the United Kingdom shall apply with the necessary modifica-
tions to the Irish Exchequer and the Irish Consolidated Fund,
and an officer shall be appointed by the Lord Lieutenant to be
the Irish Comptroller and Auditor-General.

(3) Save as may be otherwise provided by Irish Act, the
15 accounts of the Irish Consolidated Fund shall be audited as
Appropriation Accounts, in manner provided by the Exchequer
and Audit Departments Act, 1866, and any Act amending the
same, by or under the direction of the Irish Comptroller and
Auditor-General.

29 & 30 Vict.
c. 80.

22.—(1) For the purposes of the financial provisions of this
20 Act there shall be established a Board to be called the Joint
Exchequer Board, consisting of two members appointed by the
Treasury and two members appointed by the Irish Treasury and
a Chairman appointed by His Majesty.

Joint
Exchequer
Board.

(2) It shall be the duty of the Joint Exchequer Board to
25 determine any matter which is to be determined by the Board
under this Act, and also to determine any other matter in con-
nexion with the the Transferred Sum, or Irish revenue or
expenditure, or the cost of any reserved service, which may be
referred to them for determination by the Treasury and the Irish
30 Treasury jointly, and the decision of the Board on any matter
which is to be determined by them shall be final and conclusive.

(3) Any vacancy arising in the office of a member of the
Board, owing to the death, resignation, or incapacity of any
35 member of the Board, shall be filled by the authority by whom
the member whose place is vacant was appointed.

23.—(1) If provision is made by Irish Act for securing any
loan raised by the Government of Ireland upon the Transferred
Sum and for the payment of such part of the Transferred Sum
40 as in the opinion of the Joint Exchequer Board may be required

Charge of
Irish
Government
loans on
Transferred

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Sum and
management
by Joint
Exchequer
Board.

for the services of the loan in each year direct to that Board, the Board may undertake on behalf of the Irish Government the issue and management of the loan and the application of the money paid to them for the services of the loan.

(2) Where provision is so made for the payment of a part 5 of the Transferred Sum to the Joint Exchequer Board in connexion with a loan the management of which is undertaken by the Board in accordance with this section, the Treasury shall cause the requisite part of the Transferred Sum to be paid to the Joint Exchequer Board instead of to the Irish Exchequer. 10

(3) The accounts of the Joint Exchequer Board in respect of any sums received by them under this section in connexion with any loan shall be audited in the same manner as the accounts of the Irish Consolidated Fund are for the time being audited.

(4) Any stock or securities issued in respect of any loan 15 raised by the Irish Government shall be deemed to be included amongst the securities in which a trustee may invest under the powers of the Trustee Act, 1893.

36 & 37 Vict.
c. 53.Ascertain-
ment of true
Irish
revenue.

24. In ascertaining for the purposes of this Act the proceeds in Ireland of any Imperial tax or of any Irish tax, the Joint 20 Exchequer Board shall treat the proceeds collected in Ireland as the proceeds of the tax in Ireland, subject to such adjustments as the Board think equitable, with a view to attributing to Ireland any proceeds of taxes collected in Great Britain but properly attributable to Ireland, and to attributing to Great 25 Britain any proceeds of taxes collected in Ireland but properly attributable to Great Britain, and with a view to meeting cases where the rate of a tax is, or other conditions affecting the charge of a tax are, different in Great Britain and Ireland.

Alteration of
taxes to be
treated as
increases or
reductions of
taxes as the
case may be.

25. For the purposes of this Act the withdrawal in whole 30 or in part of an exemption from a tax shall be treated as the imposition of an addition to or as the increase of a tax, and the grant or extension of an exemption from a tax shall be treated as a reduction of a tax, and any other alteration of the pro- 35 visions with respect to any tax in consequence of which the proceeds of the tax are increased or diminished shall be treated as an increase or reduction of the tax, as the case may be.

Revision of
financial

26.—(1) If it appears to the Joint Exchequer Board that during any three successive years *after the passing of this Act*,

the aggregate of the total proceeds of Imperial taxes levied in Ireland as determined by the Board, and the total proceeds of Irish taxes as so determined, together with any share in any miscellaneous revenue of the United Kingdom to which the Joint Exchequer Board may consider Ireland to be entitled, exceeded in each of those years the amount of the Transferred Sum, together with the cost of any services which are for the time being reserved services, the Board shall present a report to that effect to the Treasury and to the Lord Lieutenant, and the Treasury and the Lord Lieutenant shall cause a copy of the report to be laid before the Parliament of the United Kingdom and the Irish Parliament respectively.

A.D. 1912.

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 arrange-
 ments in
 certain
 events.

(2) The presentation of such a report shall be taken to be a ground for the revision by the Parliament of the United Kingdom of the financial provisions of this Act, with a view to securing a proper contribution from Irish revenues towards the common expenditure of the United Kingdom and extending the powers of the Irish Parliament and the Irish Government with respect to the imposition and collection of taxes.

(3) For the purpose of revising the financial provisions of this Act in pursuance of this section, there shall be summoned to the Commons House of Parliament of the United Kingdom such number of members of the Irish House of Commons as will make the representation of Ireland in the Commons House of Parliament of the United Kingdom equivalent to the representation of Great Britain on the basis of population; and the members of the Irish House of Commons so summoned shall be deemed to be members of the Commons House of Parliament of the United Kingdom for the purpose of any such revision.

His Majesty may by Order in Council make such provision for so summoning the members of the Irish House of Commons as His Majesty may think necessary or proper, and any provisions contained in any such Order in Council shall have the same effect as if they had been enacted in this Act.

Provisions as to Judicial Power.

27. A judge of the Supreme Court or other superior court in Ireland, or of any county court or other court with a like jurisdiction in Ireland, appointed *after the passing of this Act*, shall be appointed by the Lord Lieutenant, and shall hold

Tenure of
 office by
 judges.

A.D. 1912. his office by the same tenure as that by which the office is held at the time of the passing of this Act, with the substitution of an address from both Houses of the Irish Parliament for an address from both Houses of the Parliament of the United Kingdom, and during his continuance in office his salary shall not be diminished or his right to pension altered without his consent. 5

Irish
appeals

28.—(1) The appeal from courts in Ireland to the House of Lords shall cease; and where any person would, but for this Act, have a right to appeal from any court in Ireland to the House of Lords, that person shall have the like right to appeal to His Majesty the King in Council; and all enactments relating to appeals to His Majesty the King in Council, and to the Judicial Committee of the Privy Council, shall apply accordingly. 10

19 & 20 Viet.
c. 59.

(2) When the Judicial Committee sit for hearing any appeal from a court in Ireland in pursuance of any provisions of this Act, there shall be present not less than four Lords of Appeal, within the meaning of the Appellate Jurisdiction Act, 1876, and at least one member who is or has been a judge of the Supreme Court in Ireland. 15 20

(3) A rota of privy councillors to sit for hearing appeals from courts in Ireland shall be made annually by His Majesty in Council, and the privy councillors, or some of them, on that rota shall sit to hear the said appeals. A casual vacancy occurring in the rota during the year may be filled by Order in Council. 25

(4) Nothing in this Act shall affect the jurisdiction of the House of Lords to determine the claims to Irish peerages.

Special provision for
decision of
constitutional
questions.

29.—(1) If it appears to the Lord Lieutenant or a Secretary of State expedient in the public interest that steps shall be taken for the speedy determination of the question whether any Irish Act or any provision thereof, or any Irish Bill or any provision thereof, is beyond the powers of the Irish Parliament, he may represent the same to His Majesty in Council, and thereupon the said question shall be forthwith referred to and heard and determined by the Judicial Committee of the Privy Council, constituted as if bearing an appeal from a court in Ireland. 30 35

(2) Upon the hearing of the question such persons as seem to the Judicial Committee to be interested may be allowed to

appear and be heard as parties to the case, and the decision of the Judicial Committee shall be given in like manner as if it were the decision of an appeal, the nature of the report or recommendation to His Majesty being stated in open court.

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- 5 (3) Nothing in this Act shall prejudice any other power of His Majesty in Council to refer any question to the Judicial Committee or the right of any person to petition His Majesty for such reference.

- 10 30.—(1) Where any decision of the Court of Appeal in Ireland involves the decision of any question as to the validity of any law made by the Irish Parliament, and the decision is not otherwise subject to an appeal to His Majesty the King in Council, an appeal shall lie to His Majesty the King in Council by virtue of this section, but only by leave of the Court of
15 Appeal or His Majesty.

Appeal in cases where the validity of an Irish law is questioned.

- (2) Where any decision of a court in Ireland involves the decision of any question as to the validity of any law made by the Irish Parliament, and the decision is not subject to any appeal to the Court of Appeal in Ireland, an appeal shall lie to
20 the Court of Appeal in Ireland by virtue of this section.

Lord Lieutenant.

- 31.—(1) Notwithstanding anything to the contrary in any Act, every subject of His Majesty shall be qualified to hold the office of Lord Lieutenant of Ireland, without reference to
25 his religious belief.

Office of Lord Lieutenant.

(2) The term of office of the Lord Lieutenant shall be six years, without prejudice to the power of His Majesty at any time to revoke the appointment.

- (3) The salary and expenses of the Lord Lieutenant shall
30 be paid out of moneys provided by the Parliament of the United Kingdom, but there shall be deducted from the Transferred Sum in each year, towards the payment of the Lord Lieutenant's salary, a sum of *five thousand pounds*.

Provisions as to existing Judges and Irish Officers.

- 35 32.—(1) All existing judges of the Supreme Court, and county court judges, and all existing Irish officers serving in an established capacity in the civil service of the Crown and receiving salaries charged on the Consolidated Fund of the

Provisions as to existing judges and other persons.

A.D. 1912.

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having
salaries
charged on
the Consolidated Fund.

United Kingdom, shall, if at the date of the passing of this Act they are removeable only on address from both Houses of Parliament of the United Kingdom, continue to be removeable only upon such an address, and if removeable in any other manner shall continue to be removeable only in the same 5 manner as before that date; and shall continue to receive the same salaries, gratuities, and pensions, and to be liable to perform the same duties as before that date or such duties as His Majesty may declare to be analogous, and their salaries and pensions shall be paid out of the Exchequer of the United 10 Kingdom, and all sums so paid shall be made good by means of deductions from the Transferred Sum under this Act in accordance with regulations made by the Treasury.

(2) If any of the said judges or officers retires from office with His Majesty's approbation before completion of the period 15 of service entitling him to a pension, His Majesty may, if he thinks fit, after considering any representation that may be made by the Irish Government, grant to him such pension, not exceeding the pension to which he would on that completion have been entitled, as His Majesty thinks proper. 20

(3) Subsection (1) of this section shall apply to existing Irish officers serving in an established capacity in the civil service of the Crown, who, although receiving salaries payable out of money provided by the Parliament of the United Kingdom and not charged on the Consolidated Fund, are removeable only 25 for misconduct or incapacity.

(Continuation
of service of,
and compensation to,
existing
officers.

33.—(1) Subject to the provisions of this Act, all existing Irish officers in the civil service of the Crown who are not provided for under the last preceding section and are on the appointed day serving as Irish officers shall, after that day, continue to hold 30 their offices by the same tenure and upon the same terms and conditions (including conditions as to remuneration and superannuation) as theretofore and shall be liable to perform the same duties as theretofore, or such duties as the Civil Service Committee established under this Act may declare to be 35 analogous, and while performing the same or analogous duties shall receive not less remuneration than they would have received if this Act had not passed:

Provided that notwithstanding the provision herein-before contained as to the tenure of existing Irish officers any existing 40 Irish officer who at the time of the passing of this Act is

removeable from his office by His Majesty, or by the Chief Secretary, or by any person other than the Lord Lieutenant, or in any special manner, may be removed from his office *after the passing of this Act* by the Lord Lieutenant. A.D. 1912.

- 5 (2) The Superannuation Acts, 1834 to 1909, shall continue after the appointed day to apply to any such existing Irish officer to whom they then apply, and the service of any such officer under the Irish Government shall, for the purpose of those Acts, be deemed to be service in the permanent civil
10 service of the Crown and in a public office within the meaning of the Superannuation Act, 1892: 55 & 56 Vict.
c. 40.

Provided that so far as relates to the grant and ascertainment of the amount of any allowance or gratuity under those Acts as respects any such officer who at the time of his ultimate
15 retirement is serving under the Irish Government, the Civil Service Committee shall be substituted for the Treasury.

(3) The provisions as to compensation contained in the Third Schedule to this Act shall apply with respect to any such existing Irish officer.

- 20 (4) *The superannuation and other allowances and gratuities which may become payable after the passing of this Act to existing Irish Officers in the civil service of the Crown under the Superannuation Acts, 1834 to 1909, and any compensation payable to any such officers under the provisions of this Act, shall be paid*
25 *out of moneys provided by the Parliament of the United Kingdom,* but any sums so paid shall be made good by means of deductions from the Transferred Sum under this Act in accordance with regulations made by the Treasury.

- (5) The Pensions Commutation Acts, 1871 to 1882, shall apply
30 to any person to whom an annual allowance is granted in pursuance of the provisions of this Act relating to existing officers as they apply to a person who has retired in consequence of the abolition of his office.

- 34.—(1) For the purpose of the provisions of this Act
35 with respect to existing officers there shall be established a committee to be called the Civil Service Committee. Establishment of
Civil Service
Committee.

- (2) The committee shall consist of three members, of whom one shall be appointed by the Treasury, one by the Executive Committee, and one (who shall be chairman) by the Lord
40 Chief Justice of England.

A.D. 1912.

(3) Any vacancy arising in the committee owing to the death, resignation, or incapacity of a member of the committee shall be filled by the authority by whom the member whose place is vacant was appointed.

(4) The determination of the Civil Service Committee on any claim or question which is to be determined by them under the provisions of this Act relating to existing officers shall be final and conclusive. 5

Provisions
to existing
pensions and
superannua-
tion allow-
ances.

35. *Any pension granted on account of service in Ireland as a judge of the Supreme Court or of any court consolidated into that court, or as a county court judge, or as an Irish officer in an established capacity in the civil service of the Crown, or to any officer or constable of the Dublin Metropolitan Police or Royal Irish Constabulary, and payable at the time of the passing of this Act, or in the case of an officer or constable of the Royal Irish Constabulary at the date of transfer, shall be paid out of moneys provided by the Parliament of the United Kingdom, and shall be made good by means of deductions from the Transferred Sum under this Act in accordance with regulations made by the Treasury.* 10 15 20

Definition of
Irish officer,
and provision
as to officers
in whose
case ques-
tions may
arise, &c.

36.--(1) For the purpose of the provisions of this Act relating to existing officers, any officer shall be deemed to be an Irish officer who is serving or employed in Irish services within the meaning of this Act.

(2) If any question arises whether an officer is an Irish officer as so defined, or otherwise as to any claim or right of an officer under the provisions of this Act relating to existing officers, that question shall be determined by the Civil Service Committee. 25

(3) If in any case the Civil Service Committee are of opinion that the service or employment of an officer is such that he is partly an Irish officer and partly not, that Committee shall determine any question which arises as respects the proportions in which any allowance, gratuity, or compensation payable to that officer is to be paid as between the Exchequer or Consolidated Fund of Ireland and of the United Kingdom respectively. 30 35

Provisions as to Members of Police.

Continuation
of service of,
and compensa-
tion to,

37.--(1) All officers and constables of the Dublin Metropolitan Police and of the Royal Irish Constabulary who are serving on the day of transfer shall after that day continue to 40

serve on the same terms and conditions as theretofore, and shall be liable to perform the same duties as theretofore, and while performing those duties shall not receive less pay than they would have received if this Act had not passed.

A.D. 1912,
members
of police
forces.

5 (2) Any existing enactments relating to the pay or pensions of officers and constables of the Dublin Metropolitan Police and Royal Irish Constabulary shall continue to apply after the transfer to any officer and constable serving on the day of transfer with the substitution of the Lord Lieutenant for the
10 Treasury and for the Chief Commissioner or Inspector-General as the case requires.

(3) The provisions as to compensation contained in the Fourth Schedule to this Act shall apply with respect to the officers and constables of the Dublin Metropolitan Police and of the Royal
15 Irish Constabulary who are serving on the day of transfer.

(4) *Any pensions and other allowances and gratuities which may become payable to officers and constables of the Dublin Metropolitan Police after the passing of this Act or to officers and constables of the Royal Irish Constabulary after the date of transfer (being in either case officers and constables who are*
20 *serving on the day of transfer) under the existing enactments applicable to them, and any compensation payable to any of those persons under the provisions of this Act, shall be paid out of moneys provided by the Parliament of the United Kingdom ;*
25 *but any sums so paid shall be made good by means of deductions from the Transferred Sum under this Act in accordance with regulations made by the Treasury.*

(5) The Pensions Commutation Acts, 1871 to 1882, shall apply to any member of the Dublin Metropolitan Police or Royal Irish Constabulary to whom an allowance is granted in pursuance of
30 the provisions of this section in like manner as if he had retired from the permanent Civil Service of the Crown on the abolition of his office, and any terminable annuity payable in respect of the commutation of an allowance shall be payable out of the same funds as the allowance.

35 (6) In this section and in the Fourth Schedule to this Act the expression "day of transfer" in relation to the Dublin Metropolitan Police means the appointed day, and in relation to the Royal Irish Constabulary means the day on which the control and management of that force are transferred to the Irish
40 Government.

A.D. 1912.

General.

Continuance
of existing
laws, institu-
tions, &c.

38. All existing laws, institutions, and authorities in Ireland, whether judicial, administrative, or ministerial, and all existing taxes in Ireland, shall, except as otherwise provided by this Act, continue as if this Act had not passed, but⁵ with the modifications necessary for adapting them to this Act, and subject, as respects matters within the powers of the Irish Parliament under this Act, to repeal, abolition, alteration, and adaptation in the manner and to the extent authorised by this Act. 10

* Use of
Crown lands
by Irish
Government.

39. His Majesty the King in Council may place under the control of the Irish Government, for the purposes of that government, such of the lands, buildings, and property in Ireland vested in or held in trust for His Majesty, and subject to such conditions or restrictions (if any) as may seem expedient. 15

Arrangements
between
departments
of United
Kingdom and
Irish depart-
ments for
exercise of
powers and
duties.

40. Arrangements may be made by any department of the Government of the United Kingdom for the exercise and performance on behalf of that department of any powers or duties of that department by officers of an Irish department, or by any Irish department for the exercise and performance on behalf²⁰ of that department of any powers or duties of that department by officers of a department of the Government of the United Kingdom on such terms and conditions as may be agreed:

Provided that no such arrangements shall diminish in any respect the responsibility of the department by which the²⁵ arrangement is made.

Consent of
legislation.

41.—(1) The Irish Parliament shall not have power to repeal or alter any provision of this Act (except as is specially provided by this Act), or of any Act passed by the Parliament of the United Kingdom after the passing of this Act and³⁰ extending to Ireland, although that provision deals with a matter with respect to which the Irish Parliament have powers to make laws.

(2) Where any Act of the Irish Parliament deals with any matter with respect to which the Irish Parliament have power³⁵ to make laws which is dealt with by any Act of the Parliament of the United Kingdom passed after the passing of this Act and extending to Ireland, the Act of the Irish Parliament shall be read subject to the Act of the Parliament of the United

Kingdom, and so far as it is repugnant to that Act, but no further, shall be void : A.D. 1912.

Provided that nothing in this section shall affect the power of the Irish Parliament to vary an Imperial tax in accordance with this Act, or any variation so made.

(3) Any order, rule, or regulation made in pursuance of, or having the force of, an Act of Parliament of the United Kingdom shall be deemed to be a provision of an Act within the meaning of this section.

10

Transitory.

42.—(1) The Irish Parliament shall be summoned to meet on the *first Tuesday in September nineteen hundred and thirteen*, and the first election of members of the Irish House of Commons shall be held at such time before that day as may be fixed by His Majesty by Order in Council made for the purpose of the transitory provisions of this Act. First meeting of Irish Parliament and first election of reduced number of Irish members.

(2) Upon the first meeting of the Irish Parliament, the members returned by constituencies in Ireland to serve in the Parliament of the United Kingdom and then sitting in that Parliament shall vacate their seats, and writs shall, as soon as conveniently may be, be issued by the Lord Chancellor of Ireland for the purpose of holding an election of members to serve in the Parliament of the United Kingdom for the constituencies mentioned in the Second Part of the First Schedule to this Act.

(3) Subject to the provisions of this Act, all existing election laws relating to the Commons House of Parliament of the United Kingdom and the members thereof shall, so far as applicable, extend to the Irish House of Commons and the members thereof; but those election laws may, except as provided by this Act, be altered by Irish Act.

His Majesty may by Order in Council make such provisions as may appear to him necessary or proper for making any provisions of the election laws applicable to elections of members of the Irish House of Commons.

(4) The Lord Lieutenant shall determine by lot which of the first senators are to retire in the second, fourth, and sixth year, and the term of office of those senators shall be reduced accordingly.

A.D. 1912.

Temporary
provision as
to payments
into and out
of the Irish
Exchequer.

43.—(1) *Pending the determination of the Transferred Sum by the Joint Exchequer Board, the Treasury may make such payments on account of that sum into the Irish Exchequer as the Joint Exchequer Board may direct.*

(2) The Joint Exchequer Board may authorise the Lord 5
Lieutenant to make such payments from the Irish Exchequer
as may be necessary in order to provide for bringing this Act
into operation, but no such authority shall be given after the
expiration of a period of three months from the first meeting
of the Irish Parliament. 10

Power to
make adap-
tations, &c.,
by Order in
Council.

44.—(1) His Majesty may make Orders in Council for the
purpose of the transitory provisions of this Act, and may, by any
such Order, make or direct to be made such arrangements as
seem necessary or proper for setting in motion the Irish Parlia-
ment and Government, and also for any other matter for which it 15
seems to His Majesty necessary or proper to make provision for
the purpose of bringing this Act into full operation or for
giving full effect to the future transfer under or by virtue of
this Act of a reserved service; and in particular His Majesty
may by any such Order in Council— 20

- (a) make such adaptations of any enactments so far as they
relate to Ireland as may appear to him necessary
or proper in order to give effect to the provisions of
this Act, and also make any adaptations of any
enactments so far as they relate to England or Scot- 25
land, as may appear to him necessary or proper as a
consequence of any change effected by the provisions
of this Act; and
- (b) make such adaptation of any enactments as appear to
him necessary or proper with respect to the execu- 30
tion of the reserved services, and in particular provide
for the exercise or performance of any powers or
duties in connexion with those services by any
department of the Government of the United King-
dom or officer of that Government where any such 35
powers or duties are, under any existing Act, to be
exercised or performed by any department in Ire-
land which will cease to exist as a department of the
Government of the United Kingdom; and
- (c) make regulations with respect to the relations of the 40
Irish and British Post Offices, and in particular may

A.D. 1912

provide for an apportionment of the capital liabilities of the Post Office between the Irish Exchequer and the Exchequer of the United Kingdom, and for apportioning any receipts and expenses in respect of foreign mails or other foreign postal services (including telegrams and telephones), between the two Post Offices, and for facilities being given in respect of postal services generally by the one Post Office to the other, especially in relation to submarine telegraphs or telegraphic communication with any place out of the United Kingdom; and

(d) on any transfer under this Act of the public services in connexion with the administration of the Old Age Pensions Acts, 1908 and 1911, make provision for securing the payment of an old age pension to any person who is entitled to the payment of such a pension at the time of the transfer, while he continues so entitled; and

(e) on the transfer under this Act of public services in connexion with Post Office Savings Banks, or Trustee Savings Banks, make provisions for giving a depositor in any transferred Post Office Savings Bank the right to repayment of any sums due to him in respect of his deposits at the time of the transfer, and for giving the trustees of any Trustee Savings Bank in Ireland the right to close their bank and to require repayment of all sums due to them from the National Debt Commissioners, and for securing to the holder of any annuity or policy of insurance granted before the date of the transfer by a Post Office or Trustee Savings Bank the payment of the annuity or of any sums due under the policy; and

(f) make provision with respect to the transfer and apportionment of any property, rights, and liabilities in connexion with Irish services; and

(g) provide, in cases where the same Act deals with reserved matters and with other matters, for specifying the matters dealt with by the Act which are to be treated in accordance with this Act as reserved matters.

45. —(1) Any Order in Council made for the purpose of the transitory provisions of this Act shall be laid before both

Orders in Council to be laid

A.D. 1912.
before
Parliament.

Houses of the Parliament of the United Kingdom within forty days next after it is made if Parliament is then sitting, or if not, within forty days after the commencement of the then next ensuing session; and if an address is presented to His Majesty by either of these Houses within the next subsequent forty days 5 praying that any such Order may be annulled, His Majesty may thereupon by Order in Council annul the same, and the Order so annulled shall forthwith become void, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the Order. 10

(2) Any Order in Council made for the purpose of the transitory provisions of this Act shall, subject to the foregoing provisions of this section, have effect as if enacted in this Act.

Appointed
day.

46. The appointed day for the purposes of this Act shall be the day for the first meeting of the Irish Parliament, or 15 such other day not more than *six* months earlier or later, as may be fixed by Order of His Majesty in Council either generally or with reference to any particular provision of this Act, and different days may be appointed for different purposes and different provisions of this Act. 20

Supplemental.

Definitions.

47. In this Act, unless the context otherwise requires—

The expression "existing" means existing at the passing of this Act:

The expression "constituency" means a parliamentary con- 25
stituency, or a county, borough, or university returning a member or members to serve in the Irish House of Commons as the case requires, and the expression "parliamentary constituency" means any county, borough, or university returning a member or members 30
to serve in the Parliament of the United Kingdom:

The expression "parliamentary elector" means a person entitled to be registered as a voter at a parliamentary election:

The expression "parliamentary election" means the election 35
of a member to serve in the Parliament of the United Kingdom:

The expression "election laws" means the laws relating to the election of members to serve in the Parliament

of the United Kingdom, other than those relating to the qualification of electors, and includes all the laws respecting the registration of electors, the issue and execution of writs, the creation of polling districts, the taking of the poll, the questioning of elections, corrupt and illegal practices, the oath, qualification and disqualification of members, and the vacating of seats:

The expression "tax" includes duties (other than duties of postage) and fees (other than fees which are charged in respect of any special Irish service, and the receipts from which are, in the opinion of the Joint Exchequer Board, of a character to be properly treated as appropriations in aid):

The expression "Irish Act" means a law made by the Irish Parliament:

The expression "salary" includes remuneration, allowances, and emoluments:

The expression "pension" includes superannuation allowance, and in relation to a constable of the Royal Irish Constabulary or Dublin Metropolitan Police includes a pension or gratuity payable to the widow or children of a constable:

The expression "office" includes any place, situation, or employment, and the expression "officer" shall be construed accordingly:

The expression "officer" in relation to the Royal Irish Constabulary includes the Inspector-General, the Deputy-Inspector-General, an Assistant-Inspector-General, the Assistant-Inspector-General-Commandant of the Depot, the Town Inspector at Belfast, a County Inspector, a surgeon, a storekeeper and barrack-master, the veterinary surgeon, and a district inspector, and in relation to the Dublin Metropolitan Police, includes the Chief Commissioner, Assistant-Commissioner, and Secretary and Accountant:

The expression "constable" in relation to the Royal Irish Constabulary includes the head-constable-major, a head-constable, sergeant, acting sergeant, and constable; and in relation to the Dublin Metropolitan Police includes every member of that force not being of higher rank

A.D. 1912, — than chief superintendent, and not being a member of the clerical staff only:

The expression "Royal Irish Constabulary" includes the reserve force of that body.

Short title. **48.** This Act may be cited as the Irish Government 5 Act, 1912.

SCHEDULES.

A.D. 1912.

FIRST SCHEDULE.

PART I.

IRISH HOUSE OF COMMONS.

CONSTITUENCIES AND NUMBER OF MEMBERS.

5

Boroughs.

	Constituency.	Number of Members.
10	Dublin :—	
	College Green - - - -	3
	Harbour - - - - -	3
	St. Stephen's Green - - -	2
	St. Patrick's - - - - -	3
15	Belfast :—	
	East - - - - -	5
	South - - - - -	3
	West - - - - -	2
	North - - - - -	4
	Londonderry - - - - -	2
20	Cork - - - - -	4
	Limerick - - - - -	2
	Waterford - - - - -	1
	Totals (Boroughs) - - -	34

A.D. 1912.

Counties.

ULSTER.

Constituency.		Number of Members.	
Antrim County :			5
North Antrim	- - - -	2	
Mid Antrim	- - - -	2	
East Antrim	- - - -	2	
South Antrim	- - - -	2	
Armagh County :			10
North Armagh	- - - -	2	
Mid Armagh	- - - -	1	
South Armagh (including that part of Newry which is situated in Armagh County).		1	
			15
Cavan County :			
West Cavan	- - - -	2	
East Cavan	- - - -	2	
Donegal County :			
North Donegal	- - - -	2	
West Donegal	- - - -	2	
East Donegal	- - - -	1	
South Donegal	- - - -	2	
Down County :			
North Down	- - - -	2	
East Down	- - - -	2	
West Down	- - - -	2	
South Down (including that part of Newry which is situated in Down County).		2	
			30
Fermanagh County :			
North Fermanagh	- - - -	1	
South Fermanagh	- - - -	1	
Londonderry County :			
North Londonderry	- - - -	2	
South Londonderry	- - - -	2	
			35
Monaghan County :			
North Monaghan	- - - -	1	
South Monaghan	- - - -	1	
Tyrone County :			
North Tyrone	- - - -	1	
Mid Tyrone	- - - -	1	
East Tyrone	- - - -	1	
South Tyrone	- - - -	1	
			40
Totals (Ulster Counties)	- -	43	45

Counties—continued.

A.D. 1912.

LEINSTER.

	Constituency.	Number of Members.
5	Carlow County - - - - -	1
	Dublin County :	
	North Dublin - - - - -	3
	South Dublin - - - - -	3
	Kildare County :	
10	North Kildare - - - - -	1
	South Kildare - - - - -	1
	Kilkenny County :	
	North Kilkenny (including the borough of Kilkenny).	2
15	South Kilkenny - - - - -	1
	King's County :	
	Birr - - - - -	1
	Tullamore - - - - -	1
	Longford County :	
20	North Longford - - - - -	1
	South Longford - - - - -	1
	Louth County :	
	North Louth - - - - -	1
	South Louth - - - - -	1
25	Meath County :	
	North Meath - - - - -	1
	South Meath - - - - -	1
	Queen's County :	
30	Quesary - - - - -	1
	Lisix - - - - -	1
	Westmeath County :	
	North Westmeath - - - - -	1
	South Westmeath - - - - -	1
	Wexford County :	
35	North Wexford - - - - -	2
	South Wexford - - - - -	2
	Wicklow County :	
	West Wicklow - - - - -	1
	East Wicklow - - - - -	1
40	Totals (Leinster Counties)	30

A.D. 1912.

MUNSTER.

Constituency.	Number of Members
Clare County :	
East Clare - - - - -	2
West Clare - - - - -	2
Cork County :	
North Cork - - - - -	2
North-East Cork - - - - -	2
Mid Cork - - - - -	2
East Cork - - - - -	2
West Cork - - - - -	1
South Cork - - - - -	1
South-East Cork - - - - -	1
Kerry County :	
North Kerry - - - - -	1
West Kerry - - - - -	2
South Kerry - - - - -	1
East Kerry - - - - -	1
Limerick County :	
West Limerick - - - - -	2
East Limerick - - - - -	2
Tipperary County :	
North Tipperary - - - - -	1
Mid Tipperary - - - - -	1
South Tipperary - - - - -	1
East Tipperary - - - - -	1
Waterford County :	
West Waterford - - - - -	1
East Waterford - - - - -	1
Totals (Munster Counties) - - -	30

CONNAUGHT.

Galway County :		
Connemara - - - - -	2	35
North Galway - - - - -	2	
East Galway - - - - -	2	
South Galway (including the borough of Galway).	2	
Leitrim County :		
North Leitrim - - - - -	1	40
South Leitrim - - - - -	1	
Mayo County :		
North Mayo - - - - -	2	
West Mayo - - - - -	2	
East Mayo - - - - -	2	45
South Mayo - - - - -	2	
Roscommon County :		
North Roscommon ¹ - - - - -	2	
South Roscommon ² - - - - -	2	
Sligo County :		
North Sligo - - - - -	2	50
South Sligo - - - - -	1	
Totals (Connacht Counties) - - -	25	

UNIVERSITIES.

A.D. 1912.

Constituency.					Number of Members.
Dublin University	-	-	-	-	2

5 TOTAL OF BOROUGH, COUNTY AND UNIVERSITY MEMBERS:—

Borough members	-	-	-	-	34
County members	-	-	-	-	128
University members	-	-	-	-	2
Total members	-	-	-	-	164

10 PART II.

REPRESENTATION OF IRELAND IN THE HOUSE OF COMMONS OF THE UNITED KINGDOM.

CONSTITUENCIES AND NUMBER OF MEMBERS.

Boroughs.

Constituency.					Number of Members.
Dublin	-	-	-	-	3
Belfast	-	-	-	-	4
Cork	-	-	-	-	1
Totals (Boroughs)	-	-	-	-	8

Counties.

ULSTER.

Constituency.					Number of Members.
Antrim	-	-	-	-	2
Armagh (including that part of Newry which is situated in Armagh County).	-	-	-	-	1
Cavan	-	-	-	-	1
Donegal	-	-	-	-	2
Fermanagh	-	-	-	-	1
Londonderry (including the borough of Londonderry).	-	-	-	-	1
Monaghan	-	-	-	-	2
Tyrone	-	-	-	-	2
Down (including that part of Newry which is situated in Down County).	-	-	-	-	2
Totals (Ulster Counties)	-	-	-	-	11

A.D. 1912.

Counties—continued.

LEINSTER.

Constituency					Number of Members.	
Dublin	-	-	-	-	2	5
King's County	-	-	-	-	1	
Queen's County	-	-	-	-	1	
Kildare	-	-	-	-	1	
Wicklow	-	-	-	-	1	10
Wexford	-	-	-	-	1	
Carlow	-	-	-	-	1	
Kilkenny (including Borough of Kilkenny)	-	-	-	-	1	
Longford	-	-	-	-	1	
Westmeath	-	-	-	-	1	15
Louth	-	-	-	-	1	
Monaghan	-	-	-	-	1	
Totals (Leinster Counties)					8	

MUNSTER.

Constituency					Number of Members.	
Clare	-	-	-	-	1	20
East Limerick	-	-	-	-	1	
Borough of Limerick	-	-	-	-	1	
Kerry	-	-	-	-	2	25
West Limerick	-	-	-	-	1	
Cork, South	-	-	-	-	1	
Cork, South-east	-	-	-	-	1	
Waterford, West	-	-	-	-	1	
The remaining five Divisions of Cork	-	-	-	-	2	
Tipperary, East	-	-	-	-	1	30
Waterford, East	-	-	-	-	1	
Borough of Waterford	-	-	-	-	1	
The remaining three Divisions of Tipperary	-	-	-	-	1	
Totals (Munster Counties)					9	

Counties—continued.

A.D. 1912.

CONNAUGHT.

	Constituency.	Number of Members.
5	Galway (including Galway Borough) -	2
	North Mayo - - - - -	1
	West Mayo - - - - -	
	South Mayo - - - - -	1
	South Roscommon - - - - -	
10	East Mayo - - - - -	1
	Sligo - - - - -	
	Letchin - - - - -	1
	North Roscommon - - - - -	
	Totals (Connacht Counties) -	6
15	TOTAL OF BOROUGH AND COUNTY MEMBERS:—	
	Borough members - - - - -	8
	County members - - - - -	34
	Total members - - - - -	42

SECOND SCHEDULE.

20 STAMP DUTIES WHICH MAY NOT BE ALTERED BY THE
IRISH PARLIAMENT.

Duties on the following instruments:—

Marketable securities.

25 Share warrants and stock certificates to bearer (including instruments to bearer on which duty is charged by virtue of subsection (2) of section four or section five or section six of the Finance Act, 1899).

49 & 60 Vict.
c. 9.

Transfers of stocks, shares and marketable securities (including composition for duty on any such transfers).

30 Bills of Exchange and promissory notes.

Contract notes.

Letters of allotment, letters of renunciation, and scrip certificates.

25 Statements as to amount of capital of corporations or companies with limited liability, and as to amount of capital contributed by limited partner.

35 Statements as to amount proposed to be secured by issue of loan capital.

Mortgages to secure debenture stock.

Policies of sea insurance.

40 Policies of life insurance.

A.D. 1912.

THIRD SCHEDULE.

PROVISIONS AS TO COMPENSATION OF EXISTING IRISH OFFICERS.

1.—(1) If any existing Irish officer who is serving in the civil service of the Crown in an established capacity or who though not so serving in an established capacity devotes his whole time to the duties of his office—

(a) retires under the conditions herein-after defined as the statutory conditions of retirement; or

(b) retires with the permission of the Civil Service Committee given in accordance with this Act; or

(c) is removed from office by the Irish Government before he attains the age of sixty years for any cause other than misconduct or incapacity, or required to retire by the Irish Government before he attains that age for any cause other, than as aforesaid;

he shall be entitled to receive such compensation as the Civil Service Committee may award to him in accordance with the provisions of Part I. of the Rules contained in this Schedule if he is serving in an established capacity, and in accordance with the provisions of Part II. of the Rules contained in this Schedule, if though not serving in an established capacity he devotes his whole time to the duties of his office.

(2) If any existing Irish officer who is serving in the civil service of the Crown not being an officer who is serving in an established capacity, or an officer who though not serving in an established capacity devotes his whole time to the duties of his office, is removed from office or required to retire by the Irish Government for any cause other than misconduct or incapacity, he shall be entitled to receive such compensation as the Civil Service Committee may award to him in accordance with the provisions of Part II. of the Rules contained in this Schedule.

2. For the purposes of this Act, the statutory conditions of retirement are that—

(a) Retirement must take place within a period of five years from the passing of this Act (in this Schedule referred to as the transitional period);

(b) Notice of the intention to retire must be given in the prescribed manner;

(e) The retirement must not take place until at least six months after the notice of retirement has been given, and may be postponed by the Civil Service Committee, if they think fit, to any later date within the transitional period; and

5 (d) The retiring officer must show to the satisfaction of the Civil Service Committee that he is not incapacitated by mental or bodily infirmity for the performance of his duties and that he will not be liable under the existing rules as to age to retire before the end of the transitional period.

10 3. The Civil Service Committee shall not give their permission under this Act to an officer to retire unless that officer shows to the satisfaction of the Committee—

(a) that the duties which he is required to perform are neither the same as nor analogous to the duties theretofore performed by him or are an unreasonable addition to those duties; or

15 (b) that his remuneration has been reduced on the ground that his duties have been diminished.

4.—(1) For the purpose of the provisions of this Act as to existing officers, petty sessions clerks and officers in the Registry of Petty Sessions Clerks shall be deemed to be officers in the civil service of the Crown, and in the case of officers in the Registry of Petty Sessions Clerks to be officers serving in an established capacity, but any payments to any such officer on account of compensation payable under the provisions of this Act shall, instead of being made out of moneys provided by the Parliament of the United Kingdom, be made out of the Petty Sessions Clerks Fund:

20 Provided that if the amount of the Petty Sessions Clerks Fund is at any time by reason of the provisions of this Act insufficient to meet any payments charged on it under this or any other Act, the deficiency shall be charged on and paid out of the Irish Consolidated Fund, and made good to the Irish Consolidated Fund out of the Petty Sessions Clerks Fund as the state of that fund allows.

30 This provision shall apply to the pensionable assistants of the petty sessions clerks at Cork and Belfast as it applies to the petty sessions clerks.

RULES—PART I.

OFFICERS SERVING IN THE CIVIL SERVICE OF THE CROWN IN AN ESTABLISHED CAPACITY.

A.—On Retirement under the Statutory Conditions of Retirement.

40 1. The compensation which may be awarded to the officer shall be an annual allowance, not exceeding in any case two-thirds of the

A.D. 1912.

salary on which the allowance is reckoned, or, if he has completed less than ten years of service as reckoned for the purposes of this provision, a gratuity.

2. The annual allowance or gratuity shall be calculated in like manner as the superannuation allowance or gratuity which the officer would be qualified to receive under the Superannuation Acts, 1834 to 1909, if he retired on the ground of ill-health, save that for the purposes of that calculation, the following provisions shall have effect, that is to say :—

- (a) His years of service shall be reckoned as if he had served up to the end of the transitional period, and there shall be added any additional years which he may be entitled to reckon under section four of the Superannuation Act, 1859 ;
- (b) His salary, where there are periodical increments, shall be taken at the amount which it would have reached if he had continued to serve in the same office up to the end of the transitional period.

B.—On retirement with the permission of the Civil Service Committee under this Act or on being removed from office or required to retire by the Irish Government before attaining the age of sixty years for any cause other than misconduct or incapacity.

1. The compensation which may be awarded to the officer shall be an annual allowance not exceeding in any case two-thirds of the salary on which the allowance is reckoned.

2. The annual allowance shall be calculated in like manner as the superannuation allowance which the officer would be qualified to receive under the Superannuation Acts, 1834 to 1909, if he retired on the ground of ill-health, save that for the purposes of such calculation, the following provisions shall have effect, that is to say :—

- (a) Where the officer retires or is removed after the end of the transitional period, ten years shall be added as abolition years to the years of service which he would be entitled to reckon for the purposes of such superannuation allowance :
- (b) Where the officer retires or is removed during the transitional period his years of service shall be reckoned, and the amount of his salary shall be computed in the same manner as is provided in this Part of these Rules in the case of an officer retiring under the statutory conditions of retirement, and ten years shall be added as abolition years to the years of service so reckoned :

- (c) Where the officer has been permitted by the Civil Service Committee to retire on account of reduction of salary, his salary shall be taken at its amount prior to the reduction: A.D. 1912.

Provided that—

- 5 (i) Where an officer at the time of leaving the service has attained the age of thirty years but has not attained the age of thirty-six years, the abolition years to be added for the purpose of this article shall be seven years instead of ten, and where an officer at the time
10 of leaving the service has not attained the age of thirty years, or where, whatever his age, his years of service as reckoned for the purposes of this article, exclusive of the abolition years, are less than ten, the abolition years to be added for those purposes shall be five years instead
15 of ten; and
- (ii) No abolition years shall be added in excess of the difference between the age of an officer at the time of his leaving the service and the age at which he would be liable to leave the service under the existing rules as to age.

20 *C.—Officers to whom the Superannuation Act, 1909, applies.*

1. An officer to whom the Superannuation Act, 1909, applies by reason only of his having elected to adopt the provisions of that Act shall, if he so requires, be treated for the purpose of the determination of his compensation under this Schedule as if he had not so
25 elected.

2. As respects any such officer who does not require his compensation to be determined as aforesaid, and any other officer to whom the Superannuation Act, 1909, applies, the provisions contained in Heads A. and B. of this Part of these Rules shall have effect subject
30 to the following modifications, that is to say:—

- (a) The annual allowance or gratuity awarded to the officer shall be calculated on the proportion of salary prescribed by subsection (1) of section one of the Superannuation Act, 1909, instead of the proportion prescribed by section two of the Superannuation Act, 1859, and the annual allowance which
35 may be awarded to the officer shall not in any case exceed one-half of the salary on which the allowance is calculated:
- (b) In addition to the annual allowance or gratuity there may be awarded to the officer an additional allowance calculated in like manner as an additional allowance under the Superannuation Act, 1909, and for the purposes of that calculation
40

A.D. 1912.

his years of service and salary shall be reckoned and computed as in the case of his annual allowance or gratuity, but the additional allowance so awarded shall not exceed one and a half times the amount of the salary on which the allowance is calculated, except in the case of an officer to whom the Superannuation Act, 1909, applies by reason of his having elected to adopt its provisions, and then only to the extent specified in section three of that Act.

RULES—PART II.

OFFICERS SERVING IN THE CIVIL SERVICE OF THE CROWN WHO ARE NOT SERVING IN AN ESTABLISHED CAPACITY. 10

1. The compensation which may be awarded to the officer shall be such gratuity or annual allowance (if any) as the Civil Service Committee think just having regard to the following considerations, that is to say:— 15

- (a) The conditions on which the officer was appointed;
- (b) The nature and duration of his employment;
- (c) In the case of officers who do not devote their whole time to the duties of their office, the amount of time so devoted;
- (d) The circumstances in which he is leaving the service; 20
- (e) The compensation which might have been awarded to him on leaving the service in similar circumstances if Part I. of these Rules had applied to him;
- (f) Any offer made to him of another office or employment under the Irish Government; 25
- (g) The probability (if any) of his having continued in office for a longer period but for the passing of this Act; and
- (h) any other circumstances affecting his case.

2. The compensation shall in every case be less than the compensation which might under Part I. of these Rules have been awarded to the officer on leaving the service in similar circumstances if that Part of these Rules had applied to him. 30

FOURTH SCHEDULE.

A.D. 1912.

PROVISION AS TO COMPENSATION OF MEMBERS OF THE ROYAL
IRISH CONSTABULARY AND DUBLIN METROPOLITAN POLICE.

Any officer or constable who after the day of transfer is required
5 to retire for any cause other than misconduct, and is not incapacitated
for the performance of his duty by mental or bodily infirmity, shall,
unless he is qualified for the maximum pension that can be granted
to him for length of service only under the enactments aforesaid, be
entitled to receive such compensation as may be awarded to him by
10 the Lord Lieutenant in accordance with the Rules contained in this
Schedule.

RULES.

1. The compensation which may be awarded to an officer or
constable shall be an annual allowance.
- 15 2. The annual allowance shall be calculated in like manner as
the pension which the officer or constable would have been entitled
to receive under the enactments applicable to him if he had retired
voluntarily and had been qualified in respect of his length of service
for a pension, save that for the purposes of that calculation the following
20 provisions shall have effect :—
 - (a) there shall be added to his completed years of actual service,
if the proportion of salary on which his allowance is
calculated is one-fiftieth, ten years, and if that proportion
is one-sixtieth, twelve years, but any such addition of
25 years shall not affect the amount of salary in respect of
which his annual allowance is to be calculated; and
 - (b) if he has, in addition to his completed years of actual service,
served for a period exceeding six months, his service for
that period shall be reckoned as a completed year of actual
30 service.
3. The allowance awarded to an officer or constable shall in no
case exceed the maximum pension which could under the enactments
applicable to him have been awarded to him if he had retired for
length of service only.
- 35 4. In the event of a constable dying within one year after an
annual allowance has been awarded to him under this Schedule, the
Lord Lieutenant may, if he thinks fit, grant an annuity to the widow
or children of the constable in like manner as if the allowance were
a pension granted to the constable on retirement.

Government of Ireland.

A

B I L L

To amend the provision for the Government
of Ireland.

Ordered to be brought in by

*The Prime Minister, Mr. Burrell,
Mr. Herbert Samuel, Secretary Sir Edward Giff,
Mr. Chancellor of the Exchequer, Mr. Churchill,
Mr. Attorney-General, and Mr. Solicitor-General.*

*Ordered, by The House of Commons, to be Printed,
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